

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4148 OF 2005

Ujwala Vasant Dalavi & Ors. ...Petitioners.
Vs.
State of Maharashtra & Ors. ...Respondents.

....
Mr. R. K. Mendadkar for the Petitioners.
Mr. C. R. Sonawane, AGP for the Respondents.
.....

**CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.**

August 5, 2005.

P.C.:

The claim of the Petitioners to belong to the Mahadeo Koli, Scheduled Tribe, has been rejected in the impugned order of the Scrutiny Committee dated 12th April 2005. The Petitioners applied to the Scrutiny Committee for verification of caste certificates issued by the Deputy Collector, Pune. While invalidating the claim of the Petitioners, the Scrutiny Committee has noted that the Police Inspector attached to the Vigilance Cell obtained the School record from the School authorities wherein the caste of the Petitioners' father and uncle was shown as Hindu Koli. This document of 1946 pertains to the period prior to the Presidential Order of 1950 and was, therefore, regarded as basic

documentary material.

Counsel appearing on behalf of the Petitioners while advertng to the order of the Scrutiny Committee, drew the attention of the Court to the fact that the Scrutiny Committee had not considered the entire documentary material on the record including the record pertaining to Vasant Narayan Dalvi, whose date of birth was 1st January 1948 and the date of admission in the Primary School at Shivane was 1st June 1954. The School record pertaining to Vasant shows that he belongs to the Mahadeo Koli Community. A chart of the record pertaining to the relatives of the Petitioners forms a part of the impugned order of the Scrutiny Committee. We are of the view that there is merit in the submission of the Petitioners that the Scrutiny Committee has not considered the entire material on the record and that accordingly the matter should be remanded back to the Committee for fresh determination. In order to facilitate the passing of a fresh order by the Scrutiny Committee and without expressing any conclusive opinion on the claim of the Petitioners, we quash and set aside the impugned order dated 12th April 2005. The petitioner shall appear before the Scrutiny Committee for directions on 22nd August 2005.

The Committee is directed to dispose of the proceedings upon remand within a period of four months.

The petition is accordingly disposed of.

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